

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

PARMINDER SINGH,)	
)	
Plaintiff,)	
)	
v.)	No. 07 C 6445
)	
UNITED STATES CITIZENSHIP AND)	Judge Norgle
IMMIGRATION SERVICES, <i>et al.</i> ,)	
)	
Defendants.)	

**FEDERAL DEFENDANTS' MOTION TO STRIKE PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT AND FOR LEAVE TO FILE ANSWER TO COMPLAINT**

Federal defendants, by Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois, move to strike plaintiff's motion for summary judgment and for leave to file their answer by July 3, 2008, and in support state as follows:

1. Plaintiff has filed a motion for summary judgment pursuant to Fed. R. Civ. P. 56.
2. Under Rule 56, summary judgment is appropriately granted only where pleadings, depositions, answers to the interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue of material fact and that the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(c).
3. Here, no answer has been filed and therefore summary judgment is premature. *Chapman v. Gasperec*, 1997 WL 112821, * 1 (N.D.Ill. March 6, 1997) (attached).
4. Federal defendants accordingly request leave to file their answer by July 3, 2008, and that the motion for summary judgment be stricken.

WHEREFORE, federal defendants request that the motion for summary judgment be stricken and that they be given leave to file their answer or otherwise plead to the complaint by July 3, 2008.

Respectfully submitted,

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